

Appl. No. 10/811,377
Reply to Office Action of March 20, 2006
Docket No.: GP-302755

REMARKS

This is a complete response to the Office Action mailed on March 20, 2006, in which the Examiner rejected claims 1-7, 9, 12-18, 20, and 23, and objected to claims 8, 10, 11, 19, 22, and 22. Applicant respectfully requests reconsideration in light of the instant amendment and following remarks. Claims 1, 13, and 18 have been amended. As a result, claims 1-23 remain pending (3 independent claims, 23 claims total). No new matter has been added.

I. Claim Informality

The Examiner notes that the dependency of claim 18 is incorrect. Accordingly, Applicants have amended claim 18 such that it now depends from claim 13.

II. Claim Rejections – 35 U.S.C. § 103

Claims 1, 5-7, 9, 12-13, 17-18, 20, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,157,956 (the “Isaji reference”) in view of U.S. Pat. No. 5,508,594 (the “Underwood” reference). Claims 2-4 and 14-16 stand rejected to under 35 U.S.C. § 103(a) as being unpatentable over the Isaji reference and the Underwood reference as applied to claim 1 and further in view of U.S. Pat. No. 5,320,076 (the “Reppich” reference). These rejections are respectfully traversed.

A prima facie case of obviousness requires: (1) a suggestion or motivation to modify a reference or to combine the teachings of multiple references, (2) a reasonable expectation of success, and (3) that the prior art teach or suggest all of the recited claim limitations. Furthermore, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant’s disclosure. Applicants respectfully submit that the Examiner has not met all of the above criteria.

None of the cited reference, taken alone or in combination, include each of the limitations of claim 1. The Isaji reference generally relates to a throttle control system that samples signal values representative of various positions of a throttle valve. As shown in FIG. 2 of the Isaji reference, and as explained in the accompanying text, the system uses two sensors 22 and 42 coupled to associated valves 12 and 10. The primary and secondary throttle positions derived from these sensors are

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Docket No.: GP-302755

manipulated in various ways to control engine speed, e.g., to prevent a stalling state. See, e.g., column 6, lines 17-26.

Note, however, that the accelerator pedal 16 and associated linkage are coupled to valve 10 in a functionally simplistic fashion. In contrast, the claims of the present invention are directed at an improved method of sensing an event associated with operator control of an input control mechanism (e.g., an accelerator pedal), and thus include elements that are in no way disclosed by the cited references.

Most notably, none of the cited references include a system wherein two sensors are used to determine a first event, wherein the sensed event is "actuation of an input control mechanism by an operator" as recited in claims 1 and 13, or "displacement of an accelerator control mechanism" as recited in claim 23. The Isaji reference discloses the use of two valves, but only one of them is coupled to the input control mechanism (see Fig. 2). Furthermore, neither of these references disclose that the first and second sensors each have a different level of accuracy. The section cited by the Examiner mentions that two sensors are used, but they are each associated with a different valve (a different "event"), rather than the same input mechanism. Furthermore, Applicants do not see any mention of accuracy levels.

The Underwood reference cannot be used to cure the insufficiencies of the Isaji reference. This reference relates to a power controller incorporating a number of sensors, but the section cited by the Examiner merely discusses using two sensors and taking the average of their values if the difference is within a certain range (col. 13, lines 49-51). This does not disclose, among other things, a weighted average as recited in the independent claims. At least the same arguments apply to the Reppich reference.

The Examiner asserts that claims 13, 17, 18, and 20 correspond to apparatus claims 1, 5, 7, and 9, respectively, and are therefore rejected solely for the reasons cited for those claims. Similarly, Claim 23 is rejected as being a combination of claims 1 and 6. Without addressing the supposed equivalence of these sets of claims, Applicants submit that the arguments presented above with respect to claim 1 also apply to claims 13 and 23. Claims 5-7, 9, and 12 depend from claim 1, and are thus allowable for at least the reasons set forth with respect to claim 1. Similarly, claims 17, 18, and 20 depend from claim 13, and are allowable for at least the reasons set forth with respect to claim 13.

Appl. No. 10/811,377
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Docket No.: GP-302755

Accordingly, as none of the cited references, taken alone or in combination, teach, suggest, or otherwise disclose each and every element of the claims as amended, Applicants respectfully request that the Section 103 rejections be withdrawn.

III. Claim Objections

Claims 8, 10-11, 19, and 21-22 stand objected to based on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants acknowledge this objection, but submit that these claims are further allowable for the reason that they depend from a base claim for which the pending rejections should be withdrawn.

IV. Conclusion

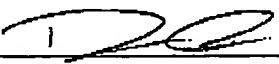
In view of the above, Applicants respectfully submit that the application, as amended, is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicants' attorneys at the below-listed number.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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Dated: 5/10, 2006

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